



Legislative Council Staff

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Memorandum

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TO: Interested Persons

FROM: Dan Graeve, Research Analyst, 303-866-3446

SUBJECT: State Paid Family and Medical Leave Laws

Summary

To date, Colorado and ten other states have enacted paid family and medical leave laws. The other states include California, Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, New York, Oregon, Rhode Island, and Washington. However, the New Hampshire plan is voluntary for employers and relies on tax incentives for businesses to contribute. In addition, Hawaii has a paid medical leave law that does not extend to family leave. This memorandum provides a summary of the major components of the paid family and medical leave laws in each of these states.

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Colorado

Colorado's Paid Family and Medical Leave Insurance Program was approved by voters in November 2020, with passage of a ballot measure.¹ Employees and employers began paying into the program in 2023. Benefits through the program will be available beginning in 2024. The program is administered by the Family and Medical Leave Division in the Colorado Department of Labor and Employment.

Reasons for leave. Eligible employees may take leave for the following reasons:

- to care for their own serious health condition;
- to care for a new child during the first year after the birth, adoption, or placement through foster care of that child; or
- to care for a family member with a serious health condition.

¹Section 8-1-13.3, Parts 1 through 5, C.R.S.

Employees may also take leave when a family member is on active duty military service or being called to active duty military service; or when the individual or the individual's family member is a victim of domestic violence, stalking, or sexual assault.

Contributions. Paid leave benefits are funded through employer and employee payroll premiums. The initial premium rate is 0.90 percent of wages per employee in the program's first two years. The employer must pay at least 50 percent of the premium, but may choose to contribute a larger percentage. The employee is responsible for up to 50 percent of the premium, depending on the employer's contribution. Beginning in 2025, the program director may increase the premium rate up to a maximum of 1.2 percent of an employee's taxable wages.

Exempted employers and employees. Certain employers and employees are not required to participate in the program or pay premiums. Employers with nine or fewer employees are not required to pay the employer portion of the premium, but their employees must participate and pay the employee portion of the premium. Local governments may choose not to participate in the program, and not pay the employer premium or collect premiums from employees. Local government employees whose employer has declined to participate and self-employed individuals may choose to opt in and pay only the employee portion of the premium.

Employee eligibility requirements. Most employees become eligible to take paid leave through the program after they have earned at least \$2,500 in total wages that are subject to the premium payments for the program.

Amount of leave. The program provides up to 12 weeks of paid family and medical leave during any 12-month period. An additional four weeks of paid leave are available for employees with a serious health condition related to pregnancy or childbirth complications.

Benefits. Paid leave benefits for eligible employees are available beginning on January 1, 2024. The benefit amount is calculated based on an employee's average weekly wage compared to the state average weekly wage. An eligible employee will receive 90 percent of their average weekly wage for the portion of his or her wages that are less than or equal to 50 percent of the state average weekly wage, and 50 percent of the portion of wages that exceed 50 percent of the state average weekly wage. In 2024, the maximum weekly benefit that an individual can receive is \$1,100. For leave beginning on or after January 1, 2025, the maximum weekly benefit that an individual may receive is 90 percent of the state average weekly wage.

Definition of family. Under the law, "family member" is defined as an eligible employee's child, parent, spouse, domestic partner, grandparent, grandchild, sibling, or any individual with whom the employee has a significant personal bond that is like a family relationship.

Job protection benefits. Employers that participate in the program may not discipline or take retaliatory actions against employees for requesting or using paid leave. Job protections are available to employees who have been employed for at least 180 days with their current employer prior to taking leave. Eligible employees who return from leave are entitled to return to the same position or a position with equal seniority, status, employment benefits, and pay. Employees are entitled to their health benefits during their leave, but may be required to continue paying their portion of any health insurance premium.

Private plans. Employers that offer a private paid leave plan with the same rights, protections, and benefits offered through the program may apply to the division for an exemption from the program.

California

California's State Disability Insurance (SDI) Program was originally established in 1946 to provide partial wage-replacement benefits for eligible workers who take time off work due to the worker's own sickness or injury. The SDI program was expanded in 2002 to include paid family leave insurance. The SDI program is administered by the California Employment Development Department.²

Reasons for leave. Under the SDI program, workers may take paid medical leave due to their own sickness or injury. Workers may take paid family leave to care for a seriously ill family member or to bond with a newborn child or newly placed child through adoption or foster care. Since 2021, family leave may be taken by workers to participate in a qualifying event related to the worker's spouse, domestic partner, child, or parent's active military duty.

Contributions. The SDI program is paid for solely through employee payroll contributions. California law directs the department to establish the contribution rate based on the Disability Fund balance. The law specifies that the rate may be between 0.1 percent and 1.5 percent of an employee's wages. The 2023 employee contribution rate is 0.9 percent, up to a maximum withholding of \$1,378.48 per year.

Employee eligibility requirements. To be eligible to take paid family or medical leave under the SDI program, a worker must have earned at least \$300 during the disability base period. The disability base period includes wages subject to SDI tax that were paid 5 to 18 months before an employee's claim. Individuals performing domestic service work who earned at least \$750 in a calendar quarter are also eligible for paid leave.

Amount of leave. The maximum amount of time a worker may take off due to his or her own sickness or injury is 52 weeks. The maximum amount of time a worker may take off for family leave is eight weeks within any 12-month period.

Benefits. California law outlines the following weekly wage-replacement benefits under the SDI program:

- if an individual's quarterly wages are less than \$929, he or she receives \$50 in benefits each week;
- if an individual's quarterly wages are between \$929 and \$7,154.32, the weekly benefit is approximately 70 percent of earnings.
- if an individual's quarterly wages are more than \$7,154.33, the weekly benefit is approximately 60 percent of earnings.

Weekly benefits are subject to a maximum based on the state average weekly wage. For claims in 2023, weekly benefits range from \$50 to a maximum of \$1,620.

²Cal. Unemp. Ins. Code § 2601, *et seq.* and § 3300, *et seq.*

Definition of family. Under the California state disability insurance law, family members for whom a worker may take paid time off to care for under the SDI program include the worker’s child, spouse, parent, grandparent, grandchild, sibling, or domestic partner. For purposes of the SDI program, “parent” may include a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person acting in place of a parent for the employee when the employee was a child.

Job protection benefits. California’s state disability insurance law does not provide job protection benefits. However, employees may qualify for job protection benefits under other California laws. Under the California New Parent Leave Act, employers with at least 20 employees within a 75-mile radius are required to provide employees with job-protected parental leave of up to 12 weeks to bond with a new child within one year of the child’s birth, adoption, or foster care placement. To qualify, an employee must have worked for the employer for more than 12 months and have at least 1,250 hours of service with the employer during the previous 12-month period. Under the California Pregnancy Disability Leave Law, employers with five or more employees are required to allow an employee who is disabled by pregnancy, childbirth, or related medical condition to take leave for a reasonable period of time, not to exceed four months, and thereafter return to work. Additionally, employers with 50 or more employees may be required to provide job protection benefits under the California Family Rights Act or the Federal Family and Medical Leave Act.

Private plans. Employers may apply to the department to offer a voluntary plan to provide paid disability and family leave benefits to employees. To be approved, a voluntary plan must provide employees with rights that are greater than those provided under the state plan. Additionally, a majority of the employer’s employees must have consented to the voluntary plan.

Program website. More information about the California program can be found here: www.edd.ca.gov/disability/.

Connecticut

Connecticut’s Paid Family and Medical Leave Insurance law was enacted in 2019. Employee contributions began January 1, 2021, and paid leave benefits began January 1, 2022. The program is administered by the Paid Family and Medical Leave Insurance Authority board of directors, which consists of 15 members representing various interests.³

Reasons for leave. An employee may take paid family and medical leave for any of the following reasons:

- the birth or placement of a child through adoption or foster care;
- caring for a family member with a serious health condition;
- an employee’s own serious health condition;
- serving as an organ or bone marrow donor;
- any qualifying exigency related to active military duty for the employee’s spouse, child, or parent; and
- leave related to incidents of family violence.

³Conn. Gen. Stat. § 31-49e, *et seq.*

Contributions. The paid leave benefits are funded solely through employee payroll contributions, with worker contributions beginning in January 2021. The percentage of earnings that an employee must contribute is to be determined by the authority. The authority may adjust the contribution rate annually based on the Family and Medical Leave Insurance Trust Fund balance; however, the law specifies that the contribution rate must not exceed 0.5 percent of a worker's wages. The wages that are subject to the contribution percentage is capped at the federal Social Security contribution and benefit base. As of 2022, the employee contribution rate is 0.5 percent, with up to \$147,000 in earnings being subject to the withholding.

Employee eligibility requirements. To be eligible to claim paid family or medical leave under the program, a worker must have earned at least \$2,325 in earnings during the employee's highest earning quarter within the base period of the first four of the five most recent quarters. An eligible worker must also be presently employed or have been employed by an employer in the previous 12 weeks.

Amount of leave. The program provides up to 12 weeks of paid family and medical leave during any 12-month period. An additional two weeks of paid leave are available for workers with a serious health condition resulting in incapacitation that occurs during a pregnancy.

Benefits. Paid family and medical leave program benefits became payable beginning January 2022. The weekly benefits offered under the program equal 95 percent of the employee's base weekly earnings up to an amount equal to 40 times the applicable minimum wage, or \$600 in 2023, and 60 percent of the employee's base weekly earnings above that amount. The total weekly benefit may not exceed an amount equal to 60 times the minimum fair wage, or \$900 in 2023. If employee contributions are not sufficient to ensure solvency of the program, the program authority is directed to reduce these benefits by the minimum amount necessary.

Definition of family. Under the Connecticut law, family members for whom an employee may take paid time off to care for under the program include the employee's spouse, sibling, child, grandparent, grandchild, parent, and individuals related to the employee by blood or affinity whose close association the employee shows to be the equivalent to those family relationships. Guidelines regarding factors to be considered when determining whether an individual's close association with an employee is equivalent of a family member will be established by regulation.

Job protection benefits. Employees who take paid leave under the program are entitled to job protection benefits. Upon returning from leave, an employee is entitled to be restored to his or her original position. If the specific position is no longer available, the employee must be restored to an equivalent position with equivalent terms and conditions of employment. If the employee is medically unable to perform the original job after returning from paid medical leave, the employee must be transferred to work that is suitable to the employee's physical condition, if such work is available.

Private plans. Employers may apply to the authority for approval to provide paid family and medical leave benefits to their employees through a private plan. In order to be approved by the authority, a private plan must be at least equivalent to the state plan in all aspects.

Program website. More information about the Connecticut program can be found here: www.ctpaidleave.org.

Delaware

Delaware lawmakers created a statewide paid family and medical leave insurance program in 2022 that will go into effect in 2025.⁴ The law distinguishes between medical leave, family caregiving leave, and parental leave for contributions and duration of benefits.

Reasons for leave. The law allows for paid leave to be provided to address a worker's own serious health condition; to care for a family member with a serious health condition; to bond and care for a new child; or to address the impact of a family member's military deployment.

Contributions. Delaware's program is financed by payroll contributions. For medical leave benefits, for 2025 and 2026, the contribution rate is 0.4 percent. For family caregiving, the percentage is 0.08 percent, with parental leave contributions at 0.32 percent. For 2027 and thereafter, the Delaware Department of Labor may not set the contribution rate higher than the rate necessary to obtain a total amount of contributions equal to 125 percent of the medical leave benefits paid, and of the cost of administration, during the immediately preceding calendar year, less the amount of net assets remaining. If the combined rate exceeds 1 percent, benefits are adjusted in order to reduce contributions.

Employee eligibility requirements. Leave is available for an employee employed for at least 12 months by the employer from whom leave is requested and who has been employed for at least 1,250 hours of service with the employer during the previous 12-month period.

Amount of leave. Delaware's program will allow up to 12 weeks of parental leave to eligible employees. The maximum aggregate number of weeks during which medical leave and family caregiving leave benefits are payable is 6 weeks in any 24-month period.

Benefits. Benefits are defined as 80 percent of the covered individual's average weekly wages during the 12 months preceding submission of the application. The maximum weekly benefit in 2026 and 2027 is \$900. Following 2027, the maximum weekly benefit must increase in proportion to the annual average increase, if any, in the Consumer Price Index.

Job protection benefits. Employees are entitled to job protection, and employers are required to maintain any health care benefits the covered individual had before taking the leave.

Private plans. An employer may apply to the department for approval to meet the employer's obligations through a private plan. Numerous qualifiers are listed in Delaware statute to ensure private plans meet state standards.

Hawaii

Hawaii requires that private businesses provide temporary disability insurance for employees. The law outlining the requirements for disability insurance was enacted in 1969.⁵

⁴Del.Code tit. 19, § 3701, *et seq.*

⁵Haw. Rev. Stat. § 392-1, *et seq.*

Reasons for leave. Medical leave under the program is available for workers who suffer temporary disabilities resulting from an accident, sickness, pregnancy, the termination of a pregnancy, or organ donation.

Contributions. Employers may require employees to cover half the cost of the insurance premiums, up to 0.5 percent of the weekly wages earned by the employee. Employers must cover the balance of the cost.

Employee eligibility requirements. Employees must have been employed for at least 14 weeks, during which they worked at least 20 hours and earned at least \$400, to be eligible for leave under the program.

Amount of leave. Employees are entitled to take up to 26 weeks of leave per year under the program.

Benefits. Employees are generally eligible to receive 58 percent of their average weekly wage, up to the state average weekly wage. For 2023, the weekly benefit amount is capped at \$765.

Job protection benefits. Hawaii's law does not specifically include any job protection benefits for employees while on disability leave.

Private plans. Employers may choose to provide the required disability insurance by using a private insurance company or by self-funding benefits.

Program website. More information about the Hawaii program can be found here: <https://labor.hawaii.gov/dcd/home/about-tdi/>.

Massachusetts

The Massachusetts paid family and medical leave law was enacted in 2018. Program contributions began in 2019, and paid leave benefits began in 2021. The program is administered by the Department of Family and Medical Leave.⁶

Reasons for leave. Medical leave is available to any employee with a serious health condition that makes the employee unable to perform the functions of his or her position. Family leave is available for an employee to bond with a newborn child or a newly placed child through adoption or foster care, to address any qualifying exigency due to a family member's active military duty, or to care for a family member who is a service member. Family leave is also available for an employee to care for a family member with a serious health condition.

Contributions. The Massachusetts program is funded by employee and employer contributions. The total contribution rate is to be set annually by the department. For medical leave, employees contribute up to 40 percent of the total medical leave contribution, while employers contribute at least 60 percent of the total medical leave contribution. Employers with fewer than 25 employees are not required to pay the employer portion. For family leave, employees contribute up to 100 percent of the total family leave contribution and employers are not required to contribute. In 2023, the employee

⁶Mass. Gen. Laws ch. 175M.

contribution rate is 0.318 percent (0.11 percent for family leave and 0.208 percent for medical leave), with up to the social security maximum of \$160,200 in earnings being subject to the withholding. Employers with 25 or more employees are responsible for contributing at least 0.312 percent of eligible wages for medical leave.

Employee eligibility requirements. To be eligible for paid leave, an individual must have earned at least \$5,700 in the previous 12 months. This amount is increased annually by the department in proportion to any increase in the minimum wage.

Amount of leave. An employee may take up to 20 weeks of paid medical leave in a benefit year. Up to 12 weeks of paid family leave may be taken in a benefit year. Up to 26 weeks of paid family leave may be taken in order to care for a family member who is a covered service member. No more than 26 weeks of total paid medical and family leave may be taken in a benefit year.

Benefits. Massachusetts law outlines the following weekly wage-replacement benefit rates under the program:

- if the employee's average weekly wage is equal to or less than 50 percent of the statewide average weekly wage, the employee's weekly benefit is 80 percent of the employee's average weekly wage; or
- if the employee's average weekly wage is greater than 50 percent of the statewide average weekly wage, the employee's weekly benefit is the sum of 80 percent of the statewide average weekly wage and 50 percent of the employee's average weekly wage that is greater than 50 percent of the statewide average weekly wage.

For 2023, the weekly benefit amount is capped at no more than \$1,129.82 per week, or 64 percent of the statewide average weekly wage.

Definition of family. The law defines a family member to include an employee's spouse, domestic partner, child, parent, parent-in-law, grandchild, grandparent, and sibling. A person who acted in place of a parent to the employee when the employee was a minor child is also covered as a family member.

Job protection benefits. An employee who has taken family or medical leave must be restored to his or her original or equivalent position, with the same status, pay, employment benefits, length-of-service credit, and seniority as the date of leave. This does not apply if other employees of equal length of service credit and status in the same or equivalent positions were laid off due to economic conditions or other changes in operating conditions during the employee's leave.

Private plans. Employers may apply to the department for approval to meet their obligations to provide paid family and medical leave through a private plan. To be approved, a private plan must be at least equivalent to the state plan in all aspects.

Program website. More information about the Massachusetts program can be found here: <https://www.mass.gov/orgs/department-of-family-and-medical-leave>.

New Hampshire

In 2021, New Hampshire passed a Paid Family and Medical Leave law (FMLI).⁷ The state describes the effort as a “first in the nation, voluntary” program. Employers can purchase Paid Family and Medical Leave insurance from MetLife, the state’s insurance partner for the plan. Participating employers are eligible to receive a business enterprise tax credit of up to 50 percent of the premium they pay on behalf of their workers. The New Hampshire Paid Family & Medical Leave plan became effective January 1, 2023.

Reasons for leave. Qualifying reasons for using leave include one’s own serious health condition(s) when disability coverage doesn’t apply, including childbirth, child bonding due to birth, adoption or fostering; serious health condition(s) of a family member; and qualifying need arising from military deployment or service and caring for a qualifying military service member.

Contributions. Participation in the plan by non-state employers is voluntary. In addition, non-state employers may choose to provide FMLI at no cost to their employees or on a contributory or partially contributory basis. Employers are not required to contribute to the premium cost for employee coverage.

Premiums are capped at \$5.00 per week. Employers are able to negotiate coverage terms and premium cost with MetLife. Employers with more than 50 employees must collect premium payments through payroll deduction with smaller companies.

Employee eligibility requirements. Employees whose wages are reported to the state of New Hampshire for unemployment purposes are eligible for paid leave.

Amount of leave. The law allows for up to 6 weeks of paid leave per year. However, employers do have an option of offering either 6 weeks or 12 weeks of leave.

Benefits. Employees may receive 60 percent of their average weekly wage, up to the Social Security wage cap.

Program Website. More information on New Hampshire’s unique program may be found here: <https://www.paidfamilymedicalleave.nh.gov/>

New Jersey

The New Jersey Temporary Disability Insurance Program was established in 1948. In 2008, the program was expanded to include paid family leave insurance. The Department of Labor and Workforce Development administers the program.⁸

Reasons for leave. Temporary disability leave may be taken due to an employee’s own injury or sickness that results in the individual’s total inability to perform his or her duties of employment. Paid family leave may be taken by an employee to provide care for a family member due to serious

⁷N.H. Rev. Stat. Ann. § 21-1:99, *et seq.*

⁸N.J. Rev. Stat. § 43:21-25, *et seq.*

health condition, to be with a newborn child or newly placed child through adoption or foster care, and to attend to activities necessitated by incidents of domestic violence or a sexually violent offense. In 2020, the state added coverage for leave related to the COVID-19 pandemic and other declared emergencies and public health epidemics.

Contributions. Contributions to the temporary disability program are shared by employees and employers. The paid family leave program is funded solely through employee contributions. Contribution rates and the taxable wage cap are set by the department based on program metrics during the prior year.

According to Division of Temporary Disability and Family Leave Insurance, there will be no temporary disability worker contribution deductions for the 2023 calendar year. In 2022, employee contributions for the temporary disability program were 0.14 percent on the first \$151,900 earned, up to a maximum of \$212.56. The contribution rate for each employer varies from 0.10 percent to 0.75 percent, based on program metrics for the individual employer. In 2023, each employer contributes between \$41.10 and \$308.25 on the first \$41,100 earned by each employee during the year.

In 2023, employee contributions for the paid family leave program are 0.06 percent of the first \$156,800 earned, up to a maximum of \$94.08 per year.

Employee eligibility requirements. To be eligible to receive paid leave under the program, an individual must have worked at least 20 weeks or earned at least 1,000 times the effective minimum wage during the first four of the last five completed calendar quarters. Based on these criteria, for 2023, an individual must have worked at least 20 weeks, earning at least \$260 per week, or have earned a combined total of \$11,000 during the first four of the last five completed calendar quarters.

Amount of leave. Temporary disability benefits for an employee's own injury or sickness are available for up to 26 weeks. Family leave benefits are available for up to 12 weeks.

Benefits. Currently, the weekly benefit rate for employees taking temporary disability or paid family leave is 85 percent of the employee's average weekly wage, subject to a maximum of \$1,025 per week for 2023. This cap is equal to 70 percent of the statewide average weekly wage.

Definition of family. For purposes of paid family leave, family members include an employee's sibling, grandparent, grandchild, child, spouse, domestic partner, civil union partner, parent-in-law, parent, any other individual related by blood to the employee, and any other individual who the employee is shown to have a close association that is the equivalent of a family relationship.

Job protection benefits. The New Jersey temporary disability insurance law does not include any job protection benefits beyond the federal Family and Medical Leave Act. However, workers who have been employed for at least 12 months by an employer with 30 or more employees may be entitled to job protection benefits under the New Jersey Family Leave Act for certain instances of family leave.

Private plans. If approved by the department, an employer may establish a private plan for the payment of benefits in lieu of the state plan. In order to be approved, a private plan must be at least equivalent to the state plan in all aspects.

Program website. More information about the New Jersey program can be found here: <https://myleavebenefits.nj.gov/>.

New York

New York requires that private businesses provide disability and paid family leave insurance for employees. The law outlining the requirements for disability insurance was enacted in 1949. The law outlining the requirements for paid family leave benefits was enacted in 2016, with employers required to begin offering paid family leave benefits in 2018.⁹

Reasons for leave. Disability insurance provides leave for employees with an off-the-job injury or illness. Paid family leave can be taken to provide care for a family member with a serious health condition, to bond with a newborn child or newly placed child through adoption or foster care, or to address any qualifying exigency arising out of an employee's spouse, domestic partner, child, or parent's active military duty.

Contributions. For disability insurance, employees contribute 0.5 percent of the employee's wages, up to \$0.60 per week. Employers are required to contribute an amount that makes up the difference between the actual costs and employee contributions. The employee contribution rate for paid family leave insurance is set annually by the Superintendent of Financial Services. Employers are not required to fund any portion of paid family leave benefits. For 2023, the employee contribution rate is 0.455 percent up to a maximum of \$399.43 per year.

Employee eligibility requirements. To be eligible for paid disability leave, a worker must have been employed for four or more consecutive weeks. Workers continue to be eligible for paid disability insurance benefits for four weeks after employment terminates.

To be eligible for paid family leave, a worker must be currently employed and have been employed for 26 or more consecutive weeks. Employees working part-time for a single employer become eligible for paid disability leave on the 25th day of employment and for paid family leave on the 175th day of employment.

Amount of leave. Employees are entitled to take up to 26 weeks of paid disability leave during any 52-week period. In 2018, paid family leave began with a maximum of eight weeks of leave allowed during any 52-week period. In 2019, this was increased to 10 weeks during any 52-week period. Beginning in 2021, this was again increased to 12 weeks during any 52-week period. An employee is entitled to take a total of 26 weeks of combined disability and family leave during any 52-week period.

Benefits. While on disability leave, an employee is entitled to 50 percent of the employee's average weekly wage, up to \$170 per week. If the employee's average weekly wage is less than \$20, the weekly benefit must be equal to the employee's wage. The amount of benefits an employee is entitled to while on paid family leave has increased from 50 percent of the employee's average weekly wage in 2018 to 67 percent of the employee's average weekly wage in 2021. For 2023, the maximum weekly benefit is capped at \$ 1,131.08, which is 67 percent of the statewide average weekly wage.

⁹N.Y. Workers' Comp. Law § 200, *et seq.*

Definition of family. For purposes of family leave, family members include an employee’s child, parent, grandparent, grandchild, spouse, or domestic partner. In 2023, the law was expanded to include siblings with a serious health condition, and includes biological siblings, adopted siblings, stepsiblings and half-siblings.

Job protection benefits. Employees who take paid disability or family leave must be restored to the previous employment position, or a comparable position.

Private plans. Employers may choose to provide the required disability and paid family leave insurance through the state fund, by using a private insurance company, or by self-funding benefits.

Program website. More information about the New York program can be found here: <https://paidfamilyleave.ny.gov/>

Oregon

The Oregon Family and Medical Leave Insurance Program was enacted into law in September 2019. Program contributions began January 1, 2023, and program benefits are scheduled to become available September 3, 2023. The program is administered by the Oregon Employment Department.¹⁰

Reasons for leave. Leave under the program may be taken for family, medical, or safe leave. Family leave may be taken to care for and bond with a newborn child or a newly placed child through adoption or foster care, or to care for a family member with a serious health condition. Medical leave may be taken due to an employee’s own serious health condition. Safe leave includes leave necessitated by incidents of domestic violence, harassment, sexual assault, or stalking.

Contributions. The program will be funded by employer and employee contributions, which began January 1, 2023. Contribution rates are calculated as a percentage of a total rate, which is set by the department. The total rate may not exceed 1.0 percent of employee wages, up to a maximum of \$132,900 in wages. Employers contribute 40 percent of the total rate, and employees contribute 60 percent of the total rate. Employers may choose to pay a portion or all of the employee contribution as an employer-offered benefit. Employers with fewer than 25 employees are not required to pay the employer contribution; however, those that choose to pay are eligible to apply for certain assistance grants.

Employee eligibility requirements. To be eligible for paid family and medical leave, an employee must have earned \$1,000 in the past year.

Amount of leave. An employee may take up to 12 weeks of family and medical leave benefits per year. An additional two weeks of benefits may be provided for limitations related to pregnancy, childbirth, or a related medical condition. An employee is allowed to take a total of 16 weeks of paid and unpaid leave when combining leave under this program and the state’s previously existing unpaid family leave law.

¹⁰Or. Rev. Stat. § 657B.005, *et seq.*

Benefits. Oregon law outlines the following weekly wage-replacement benefit rates under the program:

- if the employee's average weekly wage is equal to or less than 65 percent of the statewide average weekly wage, the employee's weekly benefit is 100 percent of the employee's average weekly wage; or
- if the employee's average weekly wage is greater than 65 percent of the statewide average weekly wage, the employee's weekly benefit is the sum of 65 percent of the statewide average weekly wage and 50 percent of the employee's average weekly wage that is greater than 65 percent of the statewide average weekly wage.

The minimum weekly benefit amount is equal to 5 percent of the statewide average weekly wage. The maximum weekly benefit amount is equal to 120 percent of the statewide average weekly wage.

Definition of family. For purposes of the program, a family member includes an employee's spouse, child, parent, sibling, sibling's spouse, grandparent, grandchild, domestic partner, and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Job protection benefits. After returning from paid family, medical, or safe leave, an employee is entitled to be restored to the position he or she held when the leave commenced, if that position still exists. If the position no longer exists, the employee is entitled to be restored to any available equivalent position with equivalent employment terms. For employers with fewer than 25 employees, if the position held by an employee when the employee's leave commenced no longer exists, an employer may, at the employer's discretion based on business necessity, restore the employee to a different position with similar job duties and the same employment benefits and pay.

Private plans. An employer may apply to the department for approval of an employer-offered benefit plan that provides family and medical leave insurance benefits to its employees. In order to be approved, a private plan must be at least equivalent to the state plan in all aspects.

Program website. More information about the Oregon program can be found here: <https://www.oregon.gov/employ/PFMLI/Pages/default.aspx>

Rhode Island

The Rhode Island Temporary Disability Insurance law was enacted in 1942. The program was later expanded to include Temporary Caregiver Insurance to provide paid family leave benefits in 2013. The program is administered by the Rhode Island Department of Labor and Training.¹¹

Reasons for leave. Paid temporary disability may be taken by employees who are prevented from performing their work due to injury or sickness. Paid temporary caregiver insurance may be taken by employees to care for a seriously ill family member or to bond with a newborn child or newly placed child through adoption or foster care.

¹¹R.I. Gen. Laws § 28-39-1, *et seq.*; § 28-40-1, *et seq.*; and § 28-41-1, *et seq.*

Contributions. The program is funded solely through employee contributions. The employee contribution rate is determined annually based on performance metrics for the Temporary Disability Insurance Fund. The taxable wage base is \$38,000 or the annual earnings needed for an employee to qualify for the maximum weekly benefit amount and the maximum duration, whichever is greater. The current withholding rate is 1.1 percent of an employee's first \$84,000 in earnings.

Employee eligibility requirements. To be eligible for paid disability or caregiver leave, an employee must have earned wages in any quarter of the last year of at least 200 times the minimum hourly wage, and must have been paid wages in the past year of at least one and one-half times the wages paid to the individual in that calendar quarter of the past year in which the individual's wages were highest. Additionally, an employee must have been paid wages of at least 400 times the minimum hourly wage in the past year. Alternatively, an employee may be eligible for paid leave if he or she earned an amount equal to at least three times the total minimum amount required under the prior calculations.

Currently, an employee must have been paid at least \$15,600 in the past year. Employees who have not earned this amount may be eligible if they have earned at least \$2,600 in one quarter in the past year, the total past year taxable wages are at least one and one-half times the highest quarter of earnings, and the taxable wages from the past year are at least \$5,200.

Amount of leave. Employees may take up to 30 weeks of paid temporary disability leave for their own injury or sickness per year. Employees may take up to four weeks of paid caregiver leave per year and up to 30 weeks of paid temporary disability leave and paid caregiver leave combined per year.

Benefits. An employee's weekly benefit amount is equal to 4.62 percent of the employee's quarterly wages. The maximum temporary disability benefit rate may not exceed \$1,007, which is 85 percent of the statewide average weekly wage. The total amount of benefits an employee may receive during a benefit year is equal to 36 percent of the employee's total wages.

Definition of family. Family members for whom an employee may take paid temporary caregiver leave include the employee's child, spouse, domestic partner, parent, parent-in-law, and grandparent.

Job protection benefits. Employees who take temporary caregiver leave are entitled to be restored by the employer to the position held by the employee when the leave commenced, or to a position with equivalent employment terms and conditions. Employees who take temporary disability leave are not provided with any specific job protection benefits under Rhode Island law.

Private plans. Rhode Island law does not provide the option for employers to provide benefits through a private plan.

Program website. More information about the Rhode Island program can be found here: <http://www.dlt.ri.gov/tdi/>.

Washington

The Washington Family and Medical Leave Program was enacted into law in 2017. Program contributions began in January 2019, and program benefits began in January 2020. The program is administered by the Washington Employment Security Department.¹²

Reasons for leave. Medical leave may be taken by an employee because of the employee's own serious health condition. Family leave may be taken by an employee to provide care for a family member with a serious health condition, to bond with a newborn child or newly placed child through adoption or foster care, or to address any qualifying exigency arising out of a family member's active military duty.

Contributions. The program is funded through employee and employer contributions that began in January 2019. For 2023, the total premium rate is 0.8 percent of an employee's wages for the program, with up to \$160,200 in earnings being subject to the withholding. As of 2023, employers pay 27.24 percent of the total premium and employees pay 72.76 percent of the total premium. Employers with fewer than 50 employees are not required to pay the employer portion of the medical leave premiums. Employers may elect to pay all or any portion of the employee share of paid family and medical leave premiums. The department must annually set a maximum limit on the amount of wages that are subject to the premium. The department may also charge a solvency surcharge between 0.1 percent and 0.6 percent if the insurance account balance falls below a certain level.

Employee eligibility requirements. An employee becomes eligible for paid leave under the program after working for at least 820 hours during the first four of the last four or five completed calendar quarters.

Amount of leave. Employees are eligible to take up to 12 weeks of paid medical or family leave in any 52-week period. The maximum amount of combined paid family and medical leave an employee can take in any 52-week period is 16 weeks. Employees who experience a serious health condition with a pregnancy that results in incapacity may be eligible for an additional two weeks of paid medical leave benefits.

Benefits. Paid family and medical leave benefits became available January 2020. An employee's weekly benefit for paid medical or family leave is calculated as follows:

- if the employee's average weekly wage is equal to or less than one-half of the statewide average weekly wage, the weekly benefit amount is equal to 90 percent of the employee's average weekly wage; or
- if the employee's average weekly wage is greater than one-half of the statewide average weekly wage, the weekly benefit amount is equal to the sum of 90 percent of one-half of the statewide average weekly wage and 50 percent of the statewide average weekly wage.

The minimum weekly benefit may not be less than \$100 per week, unless the employee's average weekly wage is less than \$100 per week, in which case the weekly benefit is the employee's full weekly

¹²Wash. Rev. Stat. § 50A.05.005, *et seq.*

wage. The 2023 maximum weekly benefit is \$1,427 per week. This amount is adjusted annually by the department to an amount equal to 90 percent of the statewide average weekly wage.

Definition of family. For purposes of family leave, family members for whom an employee may take paid family leave include an employee's child, grandchild, grandparent, parent, sibling, or spouse.

Job protection benefits. Employees who take paid family or medical leave under the program are entitled to be restored to their original position of employment or an equivalent position. This job protection requirement only applies to employees who work for an employer with 50 or more employees, who have been employed by their current employer for 12 months or more, and have worked for at least 1,250 hours during the 12 months immediately preceding the paid leave.

Private plans. An employer may apply to the department for approval of a voluntary plan for the payment of family and/or medical leave benefits. To be approved, a private plan must be at least equivalent to the state plan in all aspects.

Program website. More information about the Washington program can be found here: <https://paidleave.wa.gov/>.